

JOURNAL OF THE SENATE

NINETIETH SESSION

THIRTY-THIRD DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Friday, March 6, 2015

The Senate convened at 1:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Rev. Dan Bader, followed by the Pledge of Allegiance led by Senate page Abigail Simon.

Roll Call: All members present except Sens. Buhl O'Donnell, Ewing, Holien, and Otten (Ernie) who were excused.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the thirty-second day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Corey Brown, Chair

Which motion prevailed.

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- 1 (a) If a business corporation has eliminated its board of directors pursuant to § 47-
2 1A-732, the annual report shall set forth the names of the shareholders instead;
3 and
4 (b) If a limited liability company is member-managed, the names and business
5 addresses of its governors need not be set forth.

6 Information in the annual report must be current as of the date the annual report is executed
7 on behalf of the filing entity or qualified foreign entity. Any other provisions of law
8 notwithstanding the annual report may be executed by any authorized person. Any amendment
9 filed is a supplement to, and not in place of, the annual filing required by this section.".

10 1219rta

11 On page 1, line 2, of the House State Affairs Committee engrossed bill, after "State" insert
12 "and to establish a fee therefor".

13 And that as so amended said bill do pass.

14 Respectfully submitted,
15 Deb Peters, Chair

16 Also MR. PRESIDENT:

17 The Committee on State Affairs respectfully reports that it has had under consideration
18 HB 1153 which was deferred to the 41st Legislative Day.

19 Respectfully submitted,
20 Tim Rave, Chair

21 **MESSAGES FROM THE HOUSE**

22 MR. PRESIDENT:

23 I have the honor to return herewith SB 120 and 136 which have been amended by the
24 House and your concurrence in the amendments is respectfully requested.

25 Also MR. PRESIDENT:

26 I have the honor to return herewith SB 3, 17, 50, 98, 101, 108, 119, 126, 159, 161, 172, and
27 173 which have passed the House without change.

1 Also MR. PRESIDENT:

2 I have the honor to inform your honorable body that the House has concurred in Senate
3 amendments to HB 1026, 1027, 1055, 1079, 1122, 1130, 1146, 1148, and 1236.

4 Also MR. PRESIDENT:

5 I have the honor to inform your honorable body that the House has concurred in Senate
6 amendments to HB 1034 and 1050.

7 Respectfully,
8 Arlene Kvislen, Chief Clerk

9 **MOTIONS AND RESOLUTIONS**

10 SENATE PAGE RESOLUTION 4 Introduced by: Senators Bradford; Brown; Buhl
11 O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield, Brock; Hagger, Jenna; Haverly;
12 Heineman, Phyllis; Heinert; Holien; Hunhoff, Bernie; Jensen, Phil; Lederman; Monroe;
13 Novstrup, David; Olson; Omdahl; Otten, Ernie; Parsley; Peters; Peterson, Jim; Rampelberg;
14 Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

15 A RESOLUTION, Expressing the appreciation and gratitude of the Senate of the Ninetieth
16 Legislature of the State of South Dakota to Allison Becker, Austin Bitterman, Grant Erwin,
17 Brittni Faddoul, Karissa Guthrie, Marcus Ireland, Blaze Jones, Emalee Larson, Bridget
18 Redder, Abigail Simon, Ethan Weinheimer, Erika Wounded Knee

19 WHEREAS, the above named served loyally as pages for the Senate of the Ninetieth
20 Legislative Session; and

21 WHEREAS, the members of the Ninetieth Senate express their most sincere appreciation
22 to these young people for their service to the state; and

23 WHEREAS, the members extend to these young people their wishes for every success in
24 life:

25 NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Ninetieth Legislature of
26 the State of South Dakota, that a personal copy of this resolution be duly certified and furnished
27 to each page on this last day of service.

28 Sen. Hagger (Jenna) moved that Senate Page Resolution 4 be adopted.

29 The question being on Sen. Hagger's (Jenna) motion that Senate Page Resolution 4 be
30 adopted.

31 And the roll being called:

1 Yeas 31, Nays 0, Excused 4, Absent 0

2 Yeas:

3 Bradford; Brown; Cammack; Curd; Frerichs; Greenfield (Brock); Haggar (Jenna); Haverly;
4 Heineman (Phyllis); Heinert; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe; Novstrup
5 (David); Olson; Omdahl; Parsley; Peters; Peterson (Jim); Rampelberg; Rave; Rusch; Soholt;
6 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

7 Excused:

8 Buhl O'Donnell; Ewing; Holien; Otten (Ernie)

9 So the motion having received an affirmative vote of a majority of the members-elect, the
10 President declared the motion carried.

11 Sen. Novstrup (David) moved that the Senate do concur in House amendments to SB 168.

12 The question being on Sen. Novstrup's (David) motion that the Senate do concur in House
13 amendments to SB 168.

14 And the roll being called:

15 Yeas 31, Nays 0, Excused 4, Absent 0

16 Yeas:

17 Bradford; Brown; Cammack; Curd; Frerichs; Greenfield (Brock); Haggar (Jenna); Haverly;
18 Heineman (Phyllis); Heinert; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe; Novstrup
19 (David); Olson; Omdahl; Parsley; Peters; Peterson (Jim); Rampelberg; Rave; Rusch; Soholt;
20 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

21 Excused:

22 Buhl O'Donnell; Ewing; Holien; Otten (Ernie)

23 So the motion having received an affirmative vote of a majority of the members-elect, the
24 President declared the motion carried and the amendments were concurred in.

25 **CONSIDERATION OF REPORTS OF COMMITTEES**

26 Sen. Rave moved that the reports of the Standing Committees on

27 Judiciary on HB 1140 as found on page 595 of the Senate Journal; also

28 Judiciary on HB 1231 as found on page 595 of the Senate Journal be adopted.

29 Which motion prevailed.

1 **CONSIDERATION OF EXECUTIVE APPOINTMENT**

2 The Senate proceeded to the consideration of the executive appointment of Kelly Hepler
3 of Hughes County, Pierre, South Dakota, as the Secretary of the Department of Game, Fish and
4 Parks.

5 The question being "Does the Senate advise and consent to the executive appointment of
6 Kelly Hepler pursuant to the executive message as found on page 556 of the Senate Journal?"

7 And the roll being called:

8 Yeas 31, Nays 0, Excused 4, Absent 0

9 Yeas:

10 Bradford; Brown; Cammack; Curd; Frerichs; Greenfield (Brock); Haggar (Jenna); Haverly;
11 Heineman (Phyllis); Heinert; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe; Novstrup
12 (David); Olson; Omdahl; Parsley; Peters; Peterson (Jim); Rampelberg; Rave; Rusch; Soholt;
13 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

14 Excused:

15 Buhl O'Donnell; Ewing; Holien; Otten (Ernie)

16 So the question having received an affirmative vote of a majority of the members-elect, the
17 President declared the appointment confirmed.

18 **CONSIDERATION OF EXECUTIVE APPOINTMENTS CONSENT CALENDAR**

19 The Senate proceeded to the consideration of the executive reappointment of Steve Pirner
20 of Hughes County, Pierre, South Dakota, as the Secretary of the Department of Environment
21 and Natural Resources.

22 The question being "Does the Senate advise and consent to the executive reappointment
23 of Steve Pirner pursuant to the executive message as found on page 428 of the Senate Journal?"

24 And the roll being called:

25 Yeas 31, Nays 0, Excused 4, Absent 0

26 Yeas:

27 Bradford; Brown; Cammack; Curd; Frerichs; Greenfield (Brock); Haggar (Jenna); Haverly;
28 Heineman (Phyllis); Heinert; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe; Novstrup
29 (David); Olson; Omdahl; Parsley; Peters; Peterson (Jim); Rampelberg; Rave; Rusch; Soholt;
30 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

1 Excused:

2 Buhl O'Donnell; Ewing; Holien; Otten (Ernie)

3 So the question having received an affirmative vote of a majority of the members-elect, the
4 President declared the reappointment confirmed.

5 The Senate proceeded to the consideration of the executive reappointment of Trevor Jones
6 of Hughes County, Pierre, South Dakota, as the Secretary of the Department of Public Safety.

7 The question being "Does the Senate advise and consent to the executive reappointment
8 of Trevor Jones pursuant to the executive message as found on page 461 of the Senate Journal?"

9 And the roll being called:

10 Yeas 31, Nays 0, Excused 4, Absent 0

11 Yeas:

12 Bradford; Brown; Cammack; Curd; Frerichs; Greenfield (Brock); Haggar (Jenna); Haverly;
13 Heineman (Phyllis); Heinert; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe; Novstrup
14 (David); Olson; Omdahl; Parsley; Peters; Peterson (Jim); Rampelberg; Rave; Rusch; Soholt;
15 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

16 Excused:

17 Buhl O'Donnell; Ewing; Holien; Otten (Ernie)

18 So the question having received an affirmative vote of a majority of the members-elect, the
19 President declared the reappointment confirmed.

20 The Senate proceeded to the consideration of the executive reappointment of Dennis
21 Kaemingk of Davison County, Mitchell, South Dakota, as the Secretary of the Department of
22 Corrections.

23 The question being "Does the Senate advise and consent to the executive reappointment
24 of Dennis Kaemingk pursuant to the executive message as found on page 461 of the Senate
25 Journal?"

26 And the roll being called:

27 Yeas 31, Nays 0, Excused 4, Absent 0

28 Yeas:

29 Bradford; Brown; Cammack; Curd; Frerichs; Greenfield (Brock); Haggar (Jenna); Haverly;
30 Heineman (Phyllis); Heinert; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe; Novstrup
31 (David); Olson; Omdahl; Parsley; Peters; Peterson (Jim); Rampelberg; Rave; Rusch; Soholt;
32 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

1 Excused:
2 Buhl O'Donnell; Ewing; Holien; Otten (Ernie)

3 So the question having received an affirmative vote of a majority of the members-elect, the
4 President declared the reappointment confirmed.

5 **SECOND READING OF CONSENT CALENDAR ITEMS**

6 HB 1118: FOR AN ACT ENTITLED, An Act to provide for oversight of postsecondary
7 technical institutes.

8 Was read the second time.

9 The question being "Shall HB 1118 pass as amended?"

10 And the roll being called:

11 Yeas 31, Nays 0, Excused 4, Absent 0

12 Yeas:
13 Bradford; Brown; Cammack; Curd; Frerichs; Greenfield (Brock); Haggar (Jenna); Haverly;
14 Heineman (Phyllis); Heinert; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe; Novstrup
15 (David); Olson; Omdahl; Parsley; Peters; Peterson (Jim); Rampelberg; Rave; Rusch; Soholt;
16 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

17 Excused:
18 Buhl O'Donnell; Ewing; Holien; Otten (Ernie)

19 So the bill having received an affirmative vote of a majority of the members-elect, the
20 President declared the bill passed and the title was agreed to.

21 HB 1143: FOR AN ACT ENTITLED, An Act to increase the criminal violations that are
22 subject to protection orders.

23 Was read the second time.

24 The question being "Shall HB 1143 pass?"

25 And the roll being called:

26 Yeas 31, Nays 0, Excused 4, Absent 0

1 Yeas:

2 Bradford; Brown; Cammack; Curd; Frerichs; Greenfield (Brock); Haggar (Jenna); Haverly;
3 Heineman (Phyllis); Heinert; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe; Novstrup
4 (David); Olson; Omdahl; Parsley; Peters; Peterson (Jim); Rampelberg; Rave; Rusch; Soholt;
5 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

6 Excused:

7 Buhl O'Donnell; Ewing; Holien; Otten (Ernie)

8 So the bill having received an affirmative vote of a majority of the members-elect, the
9 President declared the bill passed and the title was agreed to.

10 HB 1107: FOR AN ACT ENTITLED, An Act to revise the definition of certain alcoholic
11 beverages that are classified as cider.

12 Was read the second time.

13 The question being "Shall HB 1107 pass?"

14 And the roll being called:

15 Yeas 31, Nays 0, Excused 4, Absent 0

16 Yeas:

17 Bradford; Brown; Cammack; Curd; Frerichs; Greenfield (Brock); Haggar (Jenna); Haverly;
18 Heineman (Phyllis); Heinert; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe; Novstrup
19 (David); Olson; Omdahl; Parsley; Peters; Peterson (Jim); Rampelberg; Rave; Rusch; Soholt;
20 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

21 Excused:

22 Buhl O'Donnell; Ewing; Holien; Otten (Ernie)

23 So the bill having received an affirmative vote of a majority of the members-elect, the
24 President declared the bill passed and the title was agreed to.

25 HB 1209: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to
26 changes in terms of credit card agreements.

27 Was read the second time.

28 The question being "Shall HB 1209 pass?"

29 And the roll being called:

30 Yeas 31, Nays 0, Excused 4, Absent 0

1 Yeas:

2 Bradford; Brown; Cammack; Curd; Frerichs; Greenfield (Brock); Haggar (Jenna); Haverly;
3 Heineman (Phyllis); Heinert; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe; Novstrup
4 (David); Olson; Omdahl; Parsley; Peters; Peterson (Jim); Rampelberg; Rave; Rusch; Soholt;
5 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

6 Excused:

7 Buhl O'Donnell; Ewing; Holien; Otten (Ernie)

8 So the bill having received an affirmative vote of a majority of the members-elect, the
9 President declared the bill passed and the title was agreed to.

10 HB 1235: FOR AN ACT ENTITLED, An Act to update the valuation manual related to
11 the valuation of assets, liabilities, and reserves.

12 Was read the second time.

13 The question being "Shall HB 1235 pass as amended?"

14 And the roll being called:

15 Yeas 31, Nays 0, Excused 4, Absent 0

16 Yeas:

17 Bradford; Brown; Cammack; Curd; Frerichs; Greenfield (Brock); Haggar (Jenna); Haverly;
18 Heineman (Phyllis); Heinert; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe; Novstrup
19 (David); Olson; Omdahl; Parsley; Peters; Peterson (Jim); Rampelberg; Rave; Rusch; Soholt;
20 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

21 Excused:

22 Buhl O'Donnell; Ewing; Holien; Otten (Ernie)

23 So the bill having received an affirmative vote of a majority of the members-elect, the
24 President declared the bill passed and the title was agreed to.

25 Sen. Rave moved that HJR 1002 and HB 1215, 1225, 1190, 1191, 1147, 1020, 1169, 1170,
26 1171, 1049, and 1047 be deferred to Monday, March 9, the 34th legislative day.

27 Which motion prevailed.

SIGNING OF BILLS

2 The President publicly read the title to

3 SB 3: FOR AN ACT ENTITLED, An Act to provide for mediation of certain drainage
4 disputes.

5 SB 17: FOR AN ACT ENTITLED, An Act to revise the definition of motor vehicles that
6 are subject to the lemon law.

7 SB 43: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding lease
8 purchase agreement payments and to ratify certain lease purchase agreements with the Health
9 and Educational Facilities Authority.

10 SB 48: FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to the
11 operation of personal watercraft.

12 SB 50: FOR AN ACT ENTITLED, An Act to authorize the South Dakota Building
13 Authority to provide for the construction, reconstruction, renovation, and modernization of state
14 park facilities and infrastructure at Custer State Park for the Department of Game, Fish and
15 Parks, to make an appropriation therefor, and to declare an emergency.

16 SB 98: FOR AN ACT ENTITLED, An Act to revise the provisions related to the financial
17 accountability system.

18 SB 101: FOR AN ACT ENTITLED, An Act to establish certain provisions regarding
19 cancer treatment medication coverage by insurance companies.

20 SB 108: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to
21 aggravated DUI's.

22 SB 119: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding
23 abandoned mobile and manufactured homes.

24 SB 126: FOR AN ACT ENTITLED, An Act to revise certain publications date citations
25 for references to the International Building Code and International Property Maintenance Code.

26 SB 159: FOR AN ACT ENTITLED, An Act to exempt certain amateur sports coaches
27 from sales and use tax.

28 SB 161: FOR AN ACT ENTITLED, An Act to allow certain fireworks to be used all year.

29 SB 172: FOR AN ACT ENTITLED, An Act to strengthen the financial practices of the
30 State of South Dakota.

31 SB 173: FOR AN ACT ENTITLED, An Act to make appropriations from the water and
32 environment fund, the water pollution control revolving fund subfund, and the drinking water

1 revolving fund subfund for various water and environmental purposes, to revise the state water
2 plan, to increase the authority of the South Dakota Board of Water and Natural Resources to
3 make consolidated water facilities construction program awards, and to declare an emergency.

4 HB 1082: FOR AN ACT ENTITLED, An Act to allow a law enforcement officer to issue
5 a citation without a notary.

6 HB 1122: FOR AN ACT ENTITLED, An Act to authorize township boards to designate
7 certain roads as no maintenance roads.

8 HB 1142: FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to the
9 age requirements for sex offender registry registration.

10 HB 1173: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding
11 liability of parties involved in frivolous or malicious civil actions.

12 And signed the same in the presence of the Senate.

13 Sen. Monroe moved that the Senate do now adjourn, which motion prevailed and at
14 1:58 p.m. the Senate adjourned.

15 Kay Johnson, Secretary

